

FILED SEP 10 1994
LINDSEY McWILLIAMS
Humboldt County Clerk
AUG 23 1994
M. DAVENPORT
DEPUTY

DANIEL E. LUNGREN, Attorney General
of the State of California
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Attorneys for Complainant/Intervenor
California Coastal Commission

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF HUMBOLDT

JOHN FRAME,

Plaintiff,

v.

CITY OF TRINIDAD, et al.,

Defendants.

CALIFORNIA COASTAL COMMISSION,

Complainant/Intervenor,

v.

JOHN FRAME AND JOAN FRAME,

Defendants in Intervention.

Case No. 92 DR0104

STIPULATION FOR ENTRY OF
JUDGMENT AND ORDER
(CCP 664.6)

It is hereby stipulated by and between the plaintiff
John Frame, the defendant the City of Trinidad, the defendant
Humboldt North Coast Land Trust and the intervenor California
Coastal Commission that this case is hereby settled, and judgment
shall be entered, pursuant to the following terms and conditions:

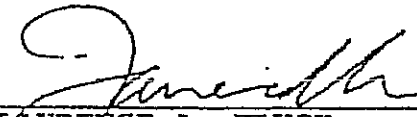
1 1. The attached agreement, prepared by the Center for
2 Resolution of Environmental Disputes, Humboldt State University,
3 and signed by all the parties to this stipulation, is
4 incorporated herein by reference and settles this litigation
5 among those parties.

6 2. The parties agree that a judgment may be entered
7 pursuant to this stipulation and attached agreement. (Code of
8 Civil Procedure sec. 664.6.) The terms and conditions of the
9 attached agreement and this stipulation are binding on the
10 parties as though they were included in their entirety in a
11 judgment prepared and entered by the Court in this case.

12 3. The parties agree that this Court shall retain
13 jurisdiction over the parties to enforce the terms of this
14 stipulation and attached settlement agreement until there is
15 performance in full of the terms of this stipulation and the
16 attached settlement agreement. (Code of Civil Procedure 664.6.)


17
18 Dated:

6/30/94


LAURENCE A. KLUCK
Attorney for John Frame


19
20
21 Dated:

6/28/94


DAVID E. TRANBERG
Attorney for the City of
Trinidad

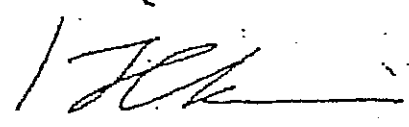
22
23
24 Dated:

6/24/94


DOUGLAS H. NEWLAN
Attorney for the Humboldt
North Coast Land Trial

1
2 Dated:

June 23, 1994

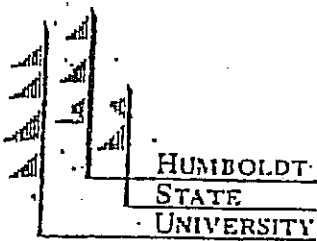

KENNETH R. WILLIAMS
Attorney for the California
Coastal Commission

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6
7 ORDER

8 The forgoing stipulation is approved by the Court and
9 it is ordered that judgment be entered in this case pursuant to,
10 and incorporating, the terms of this stipulation and the attached
11 settlement agreement. It is also ordered that, pursuant to Code
12 of Civil Procedure 664.6, the Court will retain jurisdiction over
13 the parties to enforce the terms of this stipulated judgment
14 until there is performance in full of the terms of the forgoing
15 stipulation and attached settlement agreement.

16
17 AUG 23 1994

WILLIAM F. FERROGGIARO, JR.
WILLIAM S. FERROGGIARO, JR.
JUDGE, HUMBOLDT COUNTY
SUPERIOR COURT



Center for Resolution of
Environmental Disputes

May 10, 1994

Re: Frame vs. City of Trinidad et al.

All persons present at the mediation held in the above matter on March 14 agreed that the following solution would be in the best interest of all parties. There have been changes and additions that have been made in response to the April 6 version of this document. All such changes served to further clarify the agreements made on March 14 (there have been no substantive changes), and all changes and additions have been reviewed by all parties.

Present at the March 14 meeting were the following:

Betsy Watson, CRED Mediator
John Gromala, CRED Mediator

David Tranberg, City of Trinidad Attorney
Bryce Kenny, City of Trinidad Council Member
Glenn Saunders, City of Trinidad Council Member

Ken Williams, Deputy Attorney General
Steven Scholl, Coastal Commission

Doug Newlan, Attorney for Humboldt Northcoast Land Trust

Larry Kluck, Attorney
John Frame

The parties feel that this solution will dispose of all pending litigation and the uncertainty of the outcome. All parties will save considerable money which can be used for more productive purposes. It will give to the public a new improved access to the beach. It will preserve the existing trails.

1. The parties shall use their best efforts to insure that a new trail to Indian Beach will be constructed in the general vicinity of the Trinidad lighthouse. It will have the added advantage of being easily accessed. It will be designated as the primary trail to the beach.

- a. the Coastal Conservancy per its prior commitment will be asked by the Coastal Commission to fund the initial feasibility study to determine engineering parameters and the best location for the trail.
 - b. the study will commence as soon as this agreement becomes binding on all parties. It will also be used as an Initial Study, for CEQA purposes, by the City when it reviews this project.
 - c. Assuming the new trail is provided, the construction will be paid for as follows:
 - i. the first \$10,000 of construction costs by John Frame
 - ii. the next \$10,000 of construction costs, one half by Frame, one half from other sources not to include the City of Trinidad; and
 - iii. all over \$20,000 by other sources not to include the City of Trinidad.
 - d. John Frame shall obtain the approval of the lineal descendants of Tsuari. The city of Trinidad shall obtain approval of the tribal leaders of the Trinidad Rancheria.
 - e. Coastal Commission staff will seek approval of the state historic preservation office.
 - f. The above written approvals must be obtained with thirty (30) days of completion of the Feasibility Study.
 - g. All reasonable effort will be exercised to complete this new primary trail by July 1, 1994.
 - h. Procurement and installation of signing for the new trail shall be governed by the above funding arrangement. Design to be determined by the Trinidad Design Review Committee.
2. The three (3) existing trails to Indian Beach will be designated secondary trails.
- a. The three (3) existing trails to Indian Beach are part of the Trinidad Trail System included in the Local Coastal Plan which has been approved by both the Coastal Commission and the City of Trinidad.
 - b. The signing will be identical for these trails, actual design to be determined by the Trinidad Design Review Committee in consultation with John Frame.

- c. Coastal Commission staff will seek appropriate funds from the Coastal Conservancy to fund installation and maintenance of the signs.
- d. The Wagner Street trail will be open only during daylight hours.
- e. Dogs will not be allowed on the Wagner Street trail.
- f. If the public's right to use these three (3) trails is challenged or disrupted in any way, then the Coastal Commission and the City of Trinidad shall, in their discretion and as appropriate, take reasonable action to protect the public's rights.

3. After the primary trail is constructed, the secondary trail adjacent to John Frame's house will be closed for ninety (90) days, while his engineers are doing the study. At least half of this period will be during the summer season. John Frame's engineers have requested this temporary closure to insure a thorough study. The study will focus on the necessary action, if any, which may be needed to stabilize Mr. Frame's house.

If the trail is not completed by July 1, 1994, John Frame shall have the option of having the ninety (90) day closure later in 1994 or in 1995 provided that an operative alternative trail to Indian Beach is in existence. After the study is over the public will have the right to use, and quiet enjoyment of the trail.

4. The city of Trinidad will issue appropriate permits to John Frame to complete a study for the purpose of determining the best method of reinforcing and stabilizing the foundation of his house and the construction of the improvement.

5. John Frame will pay for his own studies and construction. His study will include an analysis of ground water, drainage and irrigation impacts upon the bluff immediately in front of his site and proposed improvements. He will provide the city with liability insurance coverage during the time of the study and construction. His engineers will cooperate with the city and commission engineers and share all raw data with them, through the encroachment permit process.

Reasonable effort by John Frame within constraints imposed by design, cost, and the effective stabilization of the Frame property will be made to preserve the trail for continued public use. The stabilization effort will require the prior approval of

the City of Trinidad and the State of California. Mr. Frame will not be responsible for any changes in topography over which he has no control.

6. Each party will be responsible for their own costs, fees, etc.

7. When all parties agree to the principles set out, this agreement will be reduced to a stipulated judgment. The form will be approved by attorneys for all parties as well as their clients. It shall provide that the Court will maintain continuing jurisdiction for the purpose of enforcing the terms of the agreement.

8. The parties agree that this memorandum may be approved by each of the parties on separate signature pages. The original signature pages will be returned to CRED which will then send copies to each of the parties. Thereafter, the original memorandum and signature pages will be attached to the Stipulated judgment.

Signature page


David Tranberg, City of Trinidad Attorney


Tom Odam, ~~Acting~~ Mayor, City of Trinidad

Ken Williams, Deputy Attorney General

Steven Scholl, Coastal Commission

Doug Newlan, Attorney for Humboldt Northcoast Land Trust

Officer of Humboldt Northcoast Land Trust

Larry Kluck, Attorney

John Frame

Signature page

David Tranberg, City of Trinidad Attorney

Tom Odum, Acting Mayor, City of Trinidad



Ken Williams, Deputy Attorney General



Steven Scholl, Coastal Commission

Doug Newlan, Attorney for Humboldt Northcoast Land Trust

Officer of Humboldt Northcoast Land Trust

Larry Kluck, Attorney

John Frame

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David Tranberg, City of Trinidad Attorney

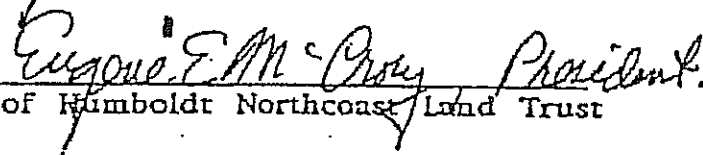
Tom Odum, Acting Mayor, City of Trinidad

Ken Williams, Deputy Attorney General

Steven Scholl, Coastal Commission

5/23/94 

Doug Newlan, Attorney for Humboldt Northcoast Land Trust

5/26/94  President.

Officer of Humboldt Northcoast Land Trust

Larry Kluck, Attorney

John Frame

Signature page

David Tranberg, City of Trinidad Attorney

Tom Odum, Acting Mayor, City of Trinidad

Ken Williams, Deputy Attorney General

Steven Scholl, Coastal Commission

Doug Newlan, Attorney for Humboldt Northcoast Land Trust

Officer of Humboldt Northcoast Land Trust

Larry Kluck, Attorney 5/12/1994

John Frame 5/12/1994